

# Local Government Employee-Management Relations Board E-Newsletter

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## Members of the Board

Philip E. Larson, Chairman

Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

## Staff

Bruce K. Snyder, Commissioner

Marisu Romualdez Abellar,  
Board Secretary

## On the Horizon

The next meeting of the Board will be a teleconference to be held on Thursday, September 3rd. The agenda for this meeting has already been issued. At this meeting the Board will consider various petitions to intervene filed by five employee organizations in case 2015-011, SEIU, Local 1107 v. Clark County. This case concerns the interpretation of provisions of SB241, including interpretation of its evergreen clause provisions. The Board has invited interested persons to submit *amicus* briefs on the legal issues by September 8<sup>th</sup>. Please call the office for details.

The Board will next meet in person on September 14-17, 2015. At that time it will hear three cases. It will conduct a hearing on 2015-011, SEIU, Local 1107 v. Clark County, including any employee organizations granted permission to intervene, on Monday, September 14<sup>th</sup> and Wednesday, September 16<sup>th</sup>. On Tuesday, September 15<sup>th</sup> it will conduct a follow-up hearing in A1-045847, Boland et al v. SEIU, Local 1107. The Board has already decided that SEIU, Local 1107 had a duty to continue processing outstanding grievances when it withdrew as the representative of physicians at UMC. The purpose of this hearing will be to identify those outstanding grievances. Then on Thursday, September 17<sup>th</sup> the Board will hear A1-046019, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department. This case involves an employee in the CSI unit who claims LVMPD committed unfair labor practices when it did not confirm her.

## Website Updates

Our website is always undergoing improvements and enhancements, thanks to Board Secretary Marisu Romualdez Abellar. This month she updated answers to our frequently asked questions. Some of the answers were updated to reflect new ways of doing business due to changes in our regulations. We also recently received an updated set of our regulations, which incorporates the regulatory changes made in 2014. The new regulations (which is up-to-date except for our temporary e-filing regulation) may now be downloaded from our website. Moreover, we continue to add new persons to our list of mediators and fact finders. We invite you to use this resource the next time you need a mediator or arbitrator. In the next month or so we will be uploading directories of our local governments and employee organizations. Finally, don't forget that our website now includes more than 200 collective bargaining agreements between Nevada local governments and employee organizations.

## Inside This Issue

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## Update on E-Filing and Other Regulations

As you may recall, last February the EMRB put into place a temporary regulation to allow for the e-filing of documents. This same regulation also allows the Commissioner to approve stipulations to extend time to file certain documents, as well as clarifying the filing requirements for the annual reports filed by local governments and employee organizations each November. On August 10<sup>th</sup> the EMRB held a public workshop to consider comments on converting the temporary regulation into a permanent regulation. Two persons attended the public workshop. Then on August 19<sup>th</sup> the Board held a public hearing, at which time they adopted the proposed regulation. Two days later the packet of documents was sent to the Legislative Counsel Bureau. The LCB has since told us that the regulation will be on the next agenda of the Legislative Commission, which has final authority to approve the regulation.

On a separate note, we have received an updated set of regulations from the LCB, which we have uploaded to our website. This set includes all updates except for our temporary e-filing regulation mentioned in the prior paragraph.

### Did you know

**that Labor Day became an official national holiday in 1894? Labor Day, the first Monday in September, is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. According to the Department of Labor website, it constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.**

Through the years the nation gave increasing emphasis to Labor Day. The first governmental recognition came through municipal ordinances passed during 1885 and 1886. From these, a movement developed to secure state legislation. The first state bill to become law was passed by Oregon on February 21, 1887. By 1894, 23 other states had adopted the holiday in honor of workers, and on June 28 of that year, Congress passed an act making the first Monday in September of each year a legal holiday in the District of Columbia and the territories. So, no matter whether you are in management or a rank-and-file employee, we are all American – and Nevada – workers and we at the EMRB salute you for all you day to make our state a better place to live!

## Recent Decisions

\*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request. The Board issued one notable decision this month:

Case 2015-015; Order No. 806: The Mason Valley Fire Protection District recognized the Mason Valley Firefighters Association, IAFF, Local 4642 ("the Association") in May of this year. The Association then gave notice to negotiate a first-ever collective bargaining agreement, whereupon the District stated that the negotiations must be limited to matters not requiring the budgeting of money since the notice to negotiate was made after the statutory February 1<sup>st</sup> deadline in NRS 288.180(1). The Association stated it could not have met the February 1<sup>st</sup> deadline since it was not recognized until May. It then filed a Petition for Declaratory Order, seeking direction from the EMRB as to whether the February 1<sup>st</sup> deadline applies to a newly recognized bargaining unit. Its petition pointed to a prior decision of the Board in 1991 on this very point: *Clark County Public Employees Association v. Housing Authority of the City of Las Vegas*, Item No. 270. That order stated "[t]o interpret this requirement as precluding an employee organization, newly certified ... subsequent to February 1, from requesting negotiations concerning matters requiring the budgeting of money, would render said certification and/or recognition essentially meaningless until the fiscal year which follows...". The current Board accordingly agreed to follow its prior order. The net effect is that the Association and District would now need to negotiate concerning any mandatory subject of bargaining.

## In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

The Board has three cases scheduled for September: 2015-011, SEIU, Local 1107 v. Clark County; A1-046119, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department and A1-045847 through A1-056864, Deborah Boland et al. v. SEIU, Local 1107. The latter case is a continued hearing from before.

The Board has also scheduled two cases for October: A1-046113, Police Officers Association of the Clark County School District v. Clark County School District (a continuation of the hearing) and A1-046128, City of Las Vegas v. Las Vegas Peace Officers Association.

The Board has scheduled A1-046133, SEIU, Local 1107 v. Southern Nevada Regional Housing Authority for November and A1-046120, IAFF, Local 1908 v. Clark County for December.

Also, the Board has scheduled 2015-003, John Ducas v. Las Vegas Metropolitan Police Department for January 2016 and 2015-001, Bramby Tollen v. Clark County Association of School Administrators and Professional-Technical Employees for February 2016.

There are currently no other cases ready for a hearing that are waiting for a hearing date to be set.

## A Big Thank You!!

Our annual assessment process is just about over. All but two of the 170 local governments have now paid their annual assessment and we wish to give you a big thank you for paying on time. As you may know, the EMRB is totally self-funded through a fee paid annually by every local government, which currently is \$6.75 per employee.

## Governor's Conference on Business

The EMRB is part of the Department of Business and Industry and each year the department sponsors a one-day conference whose purpose is to connect purposes and help them grow. This year's conference, which was held on August 26<sup>th</sup>, was held in Reno. About 100 exhibitors had booths showcasing their products and services. There also were talks on such topics as securing your data. New this year was a "Shark Tank" type competition, where ten new companies had the opportunity to pitch their products. The winner was a company called Coalition Snow, which makes skis and snowboards for women "that don't suck."

The keynote luncheon speaker was Diarmuid O'Connell, Vice President of Business Development for Tesla, who gave an update on the construction of its new plant. Last, but not least, Governor Sandoval gave an address on how Nevada is becoming a leader in attracting companies on the cutting edge of new technologies.

### "About the EMRB"

The Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between local governments and their employee organizations (i.e., unions), provides support in the process, and resolves disputes between local governments, employee organizations, and individual employees as they arise.